

1
2 BILL NO. G-89-¹²14-14

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3 GENERAL ORDINANCE NO. G-31-89

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7 AN ORDINANCE to amend the Municipal Code of the
8 City of Fort Wayne, General Ordinance No. G-
9 31-85, (Safe Housing Code), Division 4,
10 Enforcement, Section 4, Penalties, to allow for
11 a housing receivership provision.

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13
14 WHEREAS, some property owners in the City of Fort Wayne
15 do not respond to repeated notices to repair substandard
16 conditions existing in residential rental properties; and

17
18 WHEREAS, tenants continue to occupy unsafe properties
19 because there is a shortage of safe, sanitary and decent
20 affordable rental housing; and

21
22 WHEREAS, substandard residential properties affect the
23 health and safety of the entire neighborhood; and

24
25 WHEREAS, substandard residential properties are often
26 used for the sale of illegal drugs;

27
28 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
29 THE CITY OF FORT WAYNE, INDIANA:

30
31 SECTION 1. THAT DIVISION 4. SECTION 4. PENALTIES OF THE
32 SAFE HOUSING CODE BE AMENDED TO INCLUDE:

33
34 (c) In addition to fines levied against the owner and
35 in consideration of the property's affect on the neighborhood,
36 the Department of Neighborhood Code Enforcement may petition
37 the Court to place the property in the Housing Receivership
38 Program. Neighborhood Code Enforcement will petition the Court
39 for the appointment of a receiver pursuant to IC-36-7-9-20
40 granting to the receiver all authority, powers and duties
41 therein set forth.

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2
3 SECTION 2. That this Ordinance shall be in full force and
4 effect from and after its passage and any and all necessary
5 approval by the Mayor, and all necessary publication.

6 Jane H. Bradbury
7 Council Member

8 Approved as to
9 Form and Legality

10 J. Timothy McCaulay
11 J. Timothy McCaulay, City Attorney

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C& COMMUNITY & ECONOMIC DEVELOPMENT
ED MEMORANDUM

TO: City Council Members

FROM: Greg Purcell, Director, Community and Economic Development

DATE: December 12, 1989

SUBJECT: Amendment to the City's Safe Housing Code

Background

The Neighborhood Code Enforcement Department has on file a number of property owners who have not complied with orders to repair code violations in rental properties. The properties continue to deteriorate. Tenants continue to occupy these properties because of a shortage of safe, sanitary and decent affordable housing. The properties have a negative impact on the value of the surrounding properties in the neighborhood and neighborhood residents who are maintaining their properties continue to complain to the Neighborhood Code Enforcement Department.

Review of Alternatives

The purpose of the attached ordinance is to provide our Neighborhood Code Enforcement Department with another tool to use to bring substandard residential properties into compliance with minimum health and safety standards. Essentially the proposed ordinance would allow Neighborhood Code Enforcement to petition the court to appoint a receiver to rehabilitate a property. The court would also assign rent payments to the receiver until the rehabilitation costs have been recovered.

We envision using this ordinance only on those properties where repeated attempts to get the landlord to correct major code deficiencies have been unsuccessful. The ideal property would be one in a neighborhood where all of the other properties are well maintained and where neighboring property owners have complained to Neighborhood Code Enforcement

because the substandard property is having a negative effect on their property values.

This program may also be effective in situations where a suspected "drug house" is having a deleterious affect on a neighborhood. Frequently, we find that "drug houses" are rental properties with a history of Housing Code violations. By working with the Police Department, we may be able to utilize the Housing Receivership Program to seize control of a property via court action. Obviously, this technique will not be appropriate for every "drug house" situation, but may be a useful tool in strong neighborhoods experiencing this problem.

The receiver would be a non-profit organization with proven rehabilitation and property management skills. The city's Department of Housing and Neighborhood Development Services could be appointed a receiver. The receiver will prepare a cost estimate for rehabilitation work and will determine whether or not the rents from the property will provide a sufficient cash flow to pay for the rehabilitation work plus all operating costs for the property within a reasonable time period.

If the receiver determines that the rents can generate a sufficient cash flow within a reasonable time period, the receiver will let bids for the rehabilitation work. The lowest and best bid will be accepted for the work. The receiver will place a lien on the property to cover all rehabilitation, administrative and property management costs.

The alternative to the proposed ordinance is to continue to impose fines on property owners. This alternative does not always result in the correction of the code violations.

Recommendation

The proposed ordinance would provide the Department of Neighborhood Code Enforcement with the ability to correct code violations if landlords refuse to do so. This ordinance would increase the supply of affordable safe, sanitary and decent housing for low and moderate income households. We recommend that Council adopt this ordinance.

GAP:BLJ:ys

Read the first time in full and on motion by Bradbury, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 19, the 12 day of December, 1987, at 10:00 o'clock A.M., E.S.T.

DATED: 12-12-87.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico, seconded by Long, and duly adopted, placed on its passage. PASSED PASSED 10:00 by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>4</u>	<u>1</u>	<u>0</u>	<u>2</u>
<u>BRADBURY</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>✓</u>
<u>BURNS</u>	<u>0</u>	<u>✓</u>	<u>0</u>	<u>0</u>
<u>EDMONDS</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>GiaQUINTA</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>✓</u>
<u>HENRY</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>LONG</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>REDD</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>TALARICO</u>	<u>✓</u>	<u>0</u>	<u>0</u>	<u>0</u>

DATED: 12-26-87.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) General (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 12-31-87. on the 26th day of December, 1987.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

ATTEST SEAL
Charles S. Radde
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1987, at the hour of 1:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of January, 1990, at the hour of 9:15 o'clock A.M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

January 5, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of January 11 & 18, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-89-12-14
General Ordinance No. G-31-89

Bill No. G-89-12-37 (as amended)
General Ordinance No. G-32-89

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

LEGAL NOTICE

Notice is hereby given that on the 26th day of
December, 1989, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-89-12-14 General
Ordinance No. G-31-89 to-wit:

BILL NO. G-89-~~11~~-14

GENERAL ORDINANCE NO. G-31-89.

AN ORDINANCE to amend the Municipal Code of the City of Fort Wayne, General Ordinance No. G-31-85, (Safe Housing Code), Division 4, Enforcement, Section 4, Penalties, to allow for a housing receivership provision.

WHEREAS, some property owners in the City of Fort Wayne do not respond to repeated notices to repair substandard conditions existing in residential rental properties; and

WHEREAS, tenants continue to occupy unsafe properties because there is a shortage of safe, sanitary and decent affordable rental housing; and

WHEREAS, substandard residential properties affect the health and safety of the entire neighborhood; and

WHEREAS, substandard residential properties are often used for the sale of illegal drugs;

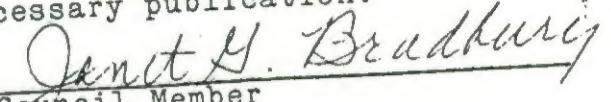
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. THAT DIVISION 4. SECTION 4. PENALTIES OF THE
SAFE HOUSING CODE BE AMENDED TO INCLUDE:

(c) In addition to fines levied against the owner and in consideration of the property's affect on the neighborhood, the Department of Neighborhood Code Enforcement may petition the Court to place the property in the Housing Receivership Program. Neighborhood Code Enforcement will petition the Court

31. for the appointment of a -----
32. granting to the receiver all authority, powers and duties
therein set forth.

3 SECTION 2. That this Ordinance shall be in full force and
4 effect from and after its passages and any and all necessary
5 approval by the Mayor, and all necessary publication.

6 
Janet G. Bradbury
Council Member

Read the third time in full and on motion by Talarico,
seconded by Henry, and duly adopted, placed on its passage. PASSED by
the following vote:

AYES: Six
Edmonds, Henry, Long, Redd, Schmidt, Talarico
NAYS: One
Burns
ABSTAINED: None
ABSENT: Two
Bradbury, GiaQuinta

DATED: 12-26-89 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as General Ordinance No. G-31-89, on the 26th day of
December, 1989

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Charles B. Redd
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 27th day of December, 1989, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 4th day of January, 1990, at
the hour of 9:15 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
General Ordinance No. G-31-89,
passed by the Common Council on the 26th day of
December, 1989, and that said Ordinance was
duly signed and approved by the Mayor on the 4th day of
January, 1990, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 4th day of January, 1990.

SEAL

SANDRA E. KENNEDY, CITY CLERK

Admn. Appr. _____

DIGEST SHEET

9-85-12-14

TITLE OF ORDINANCE Amendment to the Safe Housing Ordinance of the
City of Fort Wayne, Ordinance No. G-31-85

DEPARTMENT REQUESTING ORDINANCE Division of Community and Economic Development
Dept. of Housing and Neighborhood Development Svcs., It

SYNOPSIS OF ORDINANCE An amendment to the City's Safe Housing Ordinance. The
ordinance will provide another tool to use to bring substandard residential

properties into compliance with minimum health and safety standards. Neighborhood
Code Enforcement will be able to petition the court to appoint a receiver to re-
habilitate a property. The court would also assign rent payments to the receiver
until the rehabilitation costs have been recovered.

EFFECT OF PASSAGE Passage would allow the city to use the ordinance on properties

where repeated attempts to get the landlord to correct major code deficiencies
have been unsuccessful. The rehabilitated property would have a positive effect
on the neighborhood.

EFFECT OF NON-PASSAGE The city will have no mechanism to use against landlords
who have properties that are structurally sound yet have major code violations
and will not make the necessary repairs. The substandard property will continue
to have a negative effect on the neighborhood.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Cost of rehabilitation + court
fees Savings: Property will remain on tax roll, decent safe and sanitary
housing will be provided to tenants; demolition and collection fees will be
eliminated.

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-89-12-14

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) to amend the Municipal Code of the City of Fort Wayne, General Ordinance No. G-31-85, (Safe Housing Code), Division 4, Enforcement, Section 4, Penalties, to allow for a housing receivership provision

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTRACT

NO. REC.

See Page
Carol Long
Samuel Tolson

morning & morning

Georgia

John Henry
C. H. REED

Jesus Campos

Walter Rausch

JOURNAL OF CLIMATE

DATED: 12-26-0

DATED: 12-26-85.

Sandra E. Kennedy
City Clerk

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines	1
Body -- number of lines	81
Tail -- number of lines	3
Total number of lines in notice	85

COMPUTATION OF CHARGES

85 lines, 1 columns wide equals 85 equivalent lines
at .495 cents per line \$ 42.08

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00

TOTAL AMOUNT OF CLAIM **44.08**

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions _____
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: January 18, 1990 Title: _____ Clerk _____

part of the
Nico novel

January 18, 1990 Title: _____ Clerk _____

<p>JAYS: One Burns ABSTAINED: None ABSENT: Two Bradbury, GiaQuinta DATED: 12-26-89</p> <p>issed and adopted by the Common Council of the y of Fort Wayne, Indiana, as General Ordinance No. 31-89, on the 26th day of December, 1989.</p> <p>ATTEST:</p> <p>Sandra E. Kennedy, City Clerk Charles B. Reddi, Presiding Officer Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989, the hour of 1:30 P.M., E.S.T.</p> <p>Approved and signed by me this 4th day of January, 90, at the hour of 9:15 A.M., E.S.T.</p> <p>The Clerk of the City of Fort Wayne, Indiana do reby certify that the above and foregoing is a full, and complete copy of General Ordinance No. 31-89, passed by the Common Council on the 26th y of December, 1989, and that said Ordinance was fully signed and approved by the Mayor on the 4th day January, 1990, and now remains on file and on cord in my office.</p> <p>11-18</p>	<p>Sandra E. Kennedy City Clerk</p> <p>Sandra E. Kennedy City Clerk</p> <p>Sandra E. Kennedy City Clerk</p> <p>Paul Helmke Mayor</p> <p>Circulation Fort Wayne, two</p> <p>1/11. 18</p>
--	---

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

1/11, 18/90

Wetland

Notary Public Whitley County, I.
SHELLEY R. LARUE

My commission expires: March 3, 1990

Fort Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN

Dr.

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\$ 44.08

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

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Notice is hereby given that on the 26th day of December, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the owing Bill No. G-89-12-14 General Ordinance No. 31-89 to-wit:

BILL NO. G-89-12-14 GENERAL ORDINANCE NO. G-31-89

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WHEREAS, some property owners in the City of Fort Wayne do not respond to repeated notices to repair standard conditions existing in residential rental properties; and

WHEREAS, tenants continue to occupy unsafe properties because there is a shortage of safe, sanitary and decent affordable rental housing; and

WHEREAS, substandard residential properties affect the health and safety of the entire neighborhood; and

WHEREAS, substandard residential properties are used for the sale of illegal drugs;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. THAT DIVISION 4, SECTION 4, PENALTIES OF THE SAFE HOUSING CODE BE AMENDED TO INCLUDE:

(c) In addition to fines levied against the owner and consideration of the property's affect on the neighborhood, the Department of Neighborhood Code Enforcement may petition the Court to place the property in the Housing Receivership Program. Neighborhood Code Enforcement will petition the Court for the appointment of a receiver pursuant to 36-7-9-20 granting to the receiver all authority, powers and duties therein set forth.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passages and any and all necessary approval by the Mayor, and all necessary publication.

Janet G. Bradbury
Council Member

had the third time in full and on motion by Talarico, concurred by Henry, and duly adopted, placed on its issue. PASSED by the following vote:

AYES: Six
Edmonds, Henry, Long, Redd, Schmidt, Talarico
NAYS: One
Burns

ABSTAINED: None

ABSENT: Two
Bradbury, GiaQuinta

DATED: 12-26-89

Sandra E. Kennedy
City Clerk

assessed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. 31-89, on the 26th day of December, 1989.

ATTEST:
Sandra E. Kennedy, City Clerk
Charles B. Redd, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989, at the hour of 1:30 P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 4th day of January, 1990, at the hour of 9:15 A.M., E.S.T.

Paul Helmke

Mayor
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Sandra E. Kennedy
City Clerk

5 ems

and penalties of Chapter 155, Acts 1953,

regarding account is just and correct, that the amount or allowing all just credits, and that no part of the

Nicole Allred

, 19 90 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

1/11, 18/90

Nicole Allred

Subscribed and sworn to before me this 18th day of January, 19 90.

Shelley R. Larue
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

To: _____ Dr. _____

The News-Sentinel

P.O. Box 100

Fort Wayne, IN

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\$ 44.08

DATA FOR COMPUTING COST

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Number of insertions _____

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Alldred

Date: January 18 90 Title: _____ Clerk: _____
 , 19 _____

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Janet G. Bradbury
Council Member

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Edmonds, Henry, Long, Redd, Schmidt, Talarico

NAYS: One
Burns
ABSTAINED: None
ABSENT: Two
Bradbury, GiaQuinta
DATED: 12-26-89

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-31-89, on the 26th day of December, 1989.

ATTEST:

Sandra E. Kennedy, City Clerk
Charles B. Redd, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989, at the hour of 1:30 P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 4th day of January, 1990, at the hour of 9:15 A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-31-89, passed by the Common Council on the 26th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of January, 1990, and now remains on file and on record in my office.

Sandra E. Kennedy
City Clerk

1-11-18

y and state, the
, says that he/
aper of general
city) (town) of
printed matter
said paper for

Subscribed and sworn to before me this 18th day of January, 1990.

Shelley R. Larue
Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1990